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Paper No. 5

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MAR 12 2002

In re Application of : **OFFICE OF PETITIONS**
Sheng Li : DECISION GRANTING
Application No. 09/909,542 : PETITION
Filed: July 19, 2001 :
Attorney Docket No. 3442P015 :
:

This is a decision on the petition under 37 CFR 1.10(d) filed February 25, 2002, requesting that the above-identified application be accorded a filing date of July 19, 2001, rather than the presently accorded filing date of July 17, 2001.

Petitioner requests the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on July 19, 2001, pursuant to the requirements of 37 CFR 1.10. In support, petitioner provided, *inter alia*, a copy of the Express Mail label, receipt no. EL837201912US. The same Express Mail receipt number appears on the copy of the original transmittal letter submitted with the present petition. It is noted that while the Express Mail receipt shows a handwritten "date-in" of July 17, 2001, it also includes an official USPS notation in the form of a "San Diego CA USPS" receipt stamp dated July 19, 2001.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on July 19, 2001.

The petition is granted. A copy of the corrected Filing Receipt is enclosed.

The application is being returned to Technology Center AU 2663 for examination in due course.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Sherry Brinkley
Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt